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Olga M. Francis  
Printed Name

Olga M. Francis  
Signature

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	: Skatrud, et al.	)
		)
Serial No.	: Unknown	)
		) Group Art Unit:
Filed	: January 10, 2001	) Unknown
		)
For	: Multiple Drug Resistance Gene <i>atrD</i>	) Examiner:
	of <i>Aspergillus nidulans</i>	) Unknown
		)
Docket No.	: X-11766B	)

**Preliminary Amendment**

Assistant Commissioner for Patents

Washington, D. C. 20231

Sir:

Applicants submit the following preliminary amendments and remarks in connection with the filing of the above-identified application.

Please amend the application as follows:

**In the Specification**

On page 1, line 3, please insert --This application is a divisional of, and claims the benefit of priority of, U.S. Application 09/328,320, filed June 8, 1999, currently pending, which is a divisional of U.S. Patent 5,928,898, filed on December 23, 1997, and issued on July 27, 1999, the contents of each of which are herein incorporated by reference in their entirety.--

### In the Claims

Please cancel Claims 1-6, 8-9, and 15.

Please amend the claims as follows:

7. (Amended) An isolated DNA molecule [of Claim 1 or a portion thereof,] that comprises an isolated DNA sequence encoding SEQ ID NO: 2 which is labeled with a detectable moiety.

### Information Disclosure Statement

Applicants submit herewith an Information Disclosure Statement including Form PTO-1449. Return of an initialed copy of the latter with the next communication is respectfully requested.

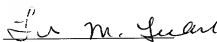
### Overall Summary and Conclusion

Applicants respectfully submit that claims 7, 10-11, 13-14, and 16 set forth an invention that is new, useful, and nonobvious, and which is therefore deserving of patent protection. Early and favorable action on the merits is respectfully requested.

Please charge any fees or credit any overpayment in connection with this application which may be required by this or any related paper to Deposit Account No. 05-0840.

If the Examiner has any questions, or would like to discuss any matters in connection with this application, she is invited to contact the undersigned at (317) 277-3537.

Respectfully submitted,



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Agent for Applicants  
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Eli Lilly and Company  
Patent Division/TMT  
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Indianapolis, Indiana 46285

11 January 2001

#### Attachments:

1. Information Disclosure Statement Form PTO-1449
2. Clean Claim Set

## CLEAN CLAIM SET

7. An isolated DNA molecule that comprises an isolated DNA sequence encoding SEQ ID NO: 2 which is labeled with a detectable moiety.

10. A method for determining the fungal MDR inhibition activity of a compound which comprises:

a) placing a culture of fungal cells, transformed with a vector capable of expressing *atrD*, in the presence of:

(i) an antifungal agent to which said fungal cell is resistant, but to which said fungal cell is sensitive in its untransformed state;

(ii) a compound suspected of possessing *Aspergillus nidulans* MDR inhibition activity; and

b) determining the fungal MDR inhibition activity of said compound by measuring the ability of the antifungal agent to inhibit the growth of said fungal cell.

11. A method of Claim 10 wherein the fungal cell is *Saccharomyces cerevisiae*.

13. A strain of *A. nidulans* wherein said strain carries a gene disruption or gene replacement at the *atrD* locus such that said strain does not produce the *atrD* protein product.

14. A method for identifying an antifungal compound comprising the steps of:

a. culturing in the presence of a test compound a strain of claim 13;

b. culturing said strain in the absence of said test compound; and

c. comparing the growth of said strain in step (a) with the growth in step (b).

16. An isolated protein consisting essentially of the amino acid sequence shown in SEQ ID NO:2.